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Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Security Council
Seventieth year

Letter dated 1 July 2015 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to draw your attention to the following.

As reported, on 15 June 2015, President Serzh Sargsyan of the Republic of Armenia officially approved the rotation between the Deputy Chief of General Staff of the armed forces of the Republic of Armenia and the so-called "minister of defence" of the separatist regime.

This is one of many examples of the integration between high-level political and military echelons of the Republic of Armenia and the separatist regime. It, along with other plentiful evidence, proves that the Republic of Armenia effectively controls the occupied territories of the Republic of Azerbaijan.

The note on the case is attached (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda items 33 and 38, and of the Security Council.

(*Signed*) Yashar **Aliyev**
Ambassador
Permanent Representative

15-11185 (E) 090715

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Annex to the letter dated 1 July 2015 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

As is known, in its attempts to mislead the international community and distort the root causes, essence and consequences of the armed conflict between Armenia and Azerbaijan, the Republic of Armenia has repeatedly stated, including within the United Nations and other international organizations, that it has not taken part in the military actions and in the seizure of the territories of Azerbaijan; that it has no military presence in the Nagorno-Karabakh region and other occupied territories of Azerbaijan; and that the unlawful separatist entity it has established in those territories is "a sovereign and independent state".

Numerous facts testify to a situation diametrically opposite to what Armenia asserts, and the movement of personnel in political and military leadership echelons on the highest possible level between Armenia and the separatist entity ("NKR") is among such facts. The most recent example includes the rotation this June, formally approved by President Serzh Sargsyan of the Republic of Armenia, between the Deputy Chief of General Staff of the armed forces of Armenia, Levon Mnatsakanian, and the "minister of defence" of the so-called "NKR", Movses Akopyan.

Indeed, among other numerous indicators, the integration between Armenia and its subordinate separatist regime in the occupied territories of Azerbaijan has been repeatedly evidenced by the number of politicians who have assumed the highest offices in Armenia after previously having held similar positions in the "NKR". Several senior Armenian politicians have held, at different times, high positions in both the Republic of Armenia and the so-called "NKR" or have otherwise had close ties to Nagorno-Karabakh. The first President of the Republic of Armenia, Levon Ter-Petrosyan, was a member of the Armenian "Karabakh Committee", which, in the late 1980s, led the movement for unification of the Nagorno-Karabakh region of Azerbaijan with Armenia. In April 1998, he was succeeded as President of Armenia by Robert Kocharyan, who had previously served as "prime minister" and "president" of the so-called "NKR" from August 1992 to December 1994 and from December 1994 to March 1997, respectively, and as Prime Minister of the Republic of Armenia from March 1997 to April 1998. In April 2008, Serzh Sargsyan became the third President of Armenia. In August 1993, he had been appointed Minister of Defence of Armenia after having served from 1989 to 1993 as chairman of the so-called "NKR self-defence forces committee". Furthermore, the career of the current Minister of Defence of Armenia, Seyran Ohanyan, is also remarkable, especially as far as his frequent service movements between Armenia and the occupied Nagorno-Karabakh region of Azerbaijan are concerned. Thus, he served in various positions in the so-called "NKR military command structures" from 1992 to 1998, before being appointed as commander of the 5th army corps of the armed forces of Armenia. The next year, he was appointed "minister of defence" of the so-called "NKR", a position which he left in 2007 to become first Deputy Minister of Defence-Chief of General Staff of the armed forces of Armenia. Since 2008, Seyran Ohanyan has served as Minister of Defence of Armenia.

In such circumstances, a reasonable conclusion is that the present de jure top organs of Armenia were its de facto organs even while hoisting the banner of the

so-called "NKR". If Yerevan itself looks upon a leadership role in the so-called "NKR" as a natural stepping stone on the path of career-building within Armenia — there being no temporal interludes or other partitions dividing Armenia and the so-called "NKR" — the latter should be considered a mere backyard of Armenia, and the two should be regarded as inseparable.

Armenia's persistent denial of its responsibility for the unlawful occupation of and military presence in the territories of Azerbaijan has been effectively put to an end by the Grand Chamber of the European Court of Human Rights in its judgement (Merits) of 16 June 2015 on the case of *Chiragov and Others* v. *Armenia* (application No. 13216/05). The Court ruled in favour of the applicants, who are the six Azerbaijani nationals forcibly displaced from the occupied Lachin district of Azerbaijan during the Armenian aggression, recognizing continuing violations by Armenia of a number of their rights under the Convention for the Protection of Human Rights and Fundamental Freedoms.

Having examined the evidence presented, including that relating to the movement of personnel in leadership echelons between Armenia and the so-called "NKR", the Court confirmed that "the Republic of Armenia, through its military presence and the provision of military equipment and expertise, has been significantly involved in the Nagorno-Karabakh conflict from an early date", that "[t]his military support has been — and continues to be — decisive for the conquest of and continued control over the territories in issue" and that "... the evidence ... convincingly shows that the armed forces of Armenia and the 'NKR' are highly integrated". Based on this and other evidence testifying to the political, financial and other dependence of the separatist entity from Armenia, the Court concluded that "... the Republic of Armenia, from the early days of the Nagorno-Karabakh conflict, has had a significant and decisive influence over the 'NKR', that the two entities are highly integrated in virtually all important matters and that this situation persists to this day" and that "the 'NKR' and its administration survives by virtue of the military, political, financial and other support given to it by Armenia which, consequently, exercises effective control over Nagorno-Karabakh and the surrounding territories, including the district of Lachin".

Thus, the fact of military occupation and effective control of the territories of Azerbaijan by Armenia is undisputed. The Court simply confirmed what long ago became a matter of general repute and public knowledge.

Rather than seeking ways to prolong the status quo of occupation of the territories of Azerbaijan, Armenia must reconsider its unconstructive stance that will be more and more difficult to stick to, especially in light of the recent judgement of the European Court of Human Rights. The sooner Armenia reconciles with the reality, the earlier the conflict will be resolved and the countries and the peoples in the region will benefit from the prospects of cooperation and economic development. The Republic of Azerbaijan once again calls on the Armenian side, instead of wasting time and misleading its own people and the international community, to cease its policy of aggression and ethnic cleansing and to engage constructively in the conflict settlement process and comply with its international obligations.